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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,789	09/23/2004	Takashi Nakanishi	2004_1419A	3937
513 7590 06/16/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER KAU, STEVEN Y				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,789

Applicant(s)

NAKANISHI ET AL.

Examiner

STEVEN KAU

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31, 33 and 75-92 is/are pending in the application.
- 4a) Of the above claim(s) 76-84, 91 and 92 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31, 33 and 85-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 3/4/2009, and has been entered and made of record. Claims 1-30, 32, 34-74 have been canceled and new claims 75-92 have been added. However, newly submitted claims 76-80 & 91 and 81-84 & 92 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 76-80 & 91, and 81-84 & 92 are directed to an image processing apparatus and a printing apparatus, respectively. In response to Requirement to Election/Restriction, applicant has elected Group VI on Oct. 17, 2008. In addition, since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 76-80 & 91, and 81-84 & 92 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Thus, claims 31, 33, 75, and 85-90 are pending for further examination in this Action.

Response to Remark/Arguments

2. Applicant's arguments with respect to claims 31-33 have been fully considered but are moot in view of the new ground(s) of rejection due to amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31, 75, 85, 86, 87, 89 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama (US 6,333,790) in view of Simpson et al (US 6,453,129).

Regarding claim 31.

Claim 31 is directed to a communication apparatus claim. The invention apparatus has two structural elements, i.e. a receiving unit and a display unit. The structural elements of the claim are taught by Kageyama' 790 and is discussed herein. Additional claim limitations are information relating to the printing apparatus displayed in the display unit. The scope of the display message is taught by Simpson' 129. Thus, claim 31 is obvious to Kageyama in view of Simpson. The rejection of the claim is discussed below.

Kageyama' 790 discloses a communication apparatus (**First and Second computer are connected in a network as shown in Figs 1, 13, 15 and 16**) that is connected to a printing apparatus (**Printer 200 of Figs 1, 13, 15 and 16 is connected in the network to communicate with the computers in the network, col 5, lines 15-20**), comprising: a receiving unit (**e.g. Second Computer 400 of Fig. 1**) operable to

receive response information transmitted from the printing apparatus (**Kageyama' 790 discloses embodiments teaching the communication between computers 300 and 400 with printer 200; for instance, "the first computer 300 receives information on the occurrence of trouble in the printer engine 2200 and the identification of the trouble from the printer controller 2100, Then, the first computer 300 issues an inquiry to the printer controller 2100 as to a method of coping with the trouble, the printer controller 2100 transmits the contents of the inquiry to the second computer 400", First embodiment, col 10, lines 8-56); and a display unit (displays of First and Second computer, col 8, lines 34-40) operable to display information relating to the printing apparatus based on the response information received by the receiving unit (e.g. "the printer controller 2100 forwards the received reply to the first computer 300. The action of the process 707 is called reply forwarding. It also may be referred to as a formal reply. The first computer 300 display the reply on a screen using the user interface to show the reply to the inquiry to the user which has issued the inquiry", col 10, lines 51-56).**

Kageyama does not disclose wherein the response information includes a first field indicating information indicating the occurrence of at least one event detected by the printing apparatus, a second field indicating a type of a character code for a message relating to the at least one event, a third field indicating a length of the message, and a variable-length field for storing the message, wherein the message is a text indicating a meaning the event detected by the printing apparatus and indicated in the response information, and wherein the first field consists of a plurality of bits, each

bit of the plurality of bits indicating whether or not an event of the at least one event has occurred.

Simpson teaches wherein the response information includes a first field indicating information indicating the occurrence of at least one event detected by the printing apparatus (**referring to Fig. 1 for a computer network having a printer in the network, & 22, the first field of the status page displays number of copies has been printed, col 11, lines 5-12; that is, an event of occurrence is detected by the printer**), a second field indicating a type of a character code for a message relating to the at least one event (**the second field of Fig. 22 displays number of pages has been printed, col 11, lines 5-12; that is, a numerical character related to an event**), a third field indicating a length of the message, and a variable-length field for storing the message (**the third field displays messages, i.e. “paper jam has occurred”, col 11, lines 5-16**), wherein the message is a text indicating a meaning the event detected by the printing apparatus and indicated in the response information, and wherein the first field consists of a plurality of bits, each bit of the plurality of bits indicating whether or not an event of the at least one event has occurred (**i.e. data transmission and manipulation in a computer network information must be with bits of data – an inherent property; thus, information displayed by the display must be defined in bit-fields, Fig. 1**).

Having a communication apparatus of Kageyama' 790 reference and then given the well-established teaching of Simpson' 129 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

communication apparatus of Kageyama' 790 reference to wherein the response information includes a first field indicating information indicating the occurrence of at least one event detected by the printing apparatus, a second field indicating a type of a character code for a message relating to the at least one event, a third field indicating a length of the message, and a variable-length field for storing the message, wherein the message is a text indicating a meaning the event detected by the printing apparatus and indicated in the response information, and wherein the first field consists of a plurality of bits, each bit of the plurality of bits indicating whether or not an event of the at least one event has occurred as taught by Simpson' 129 reference. The motivation for doing so would have been to increase the versatility of the communication apparatus for providing print job assurance, and further the services provided could easily be established for one another with predictable results.

Regarding claim 75, in accordance with claim 31.

Kageyama discloses wherein said communication apparatus comprises a digital broadcast receiver.

lida teaches wherein said communication apparatus comprises a digital broadcast receiver (**referring to Fig. 1, it is well known in the art that computers in a network can broadcast and receive broadcast message (see prior art US 2003/0020952, Par. 209; thus, computers 1 and 2 are a digital broadcast receiver).**

Regarding claim 86, in accordance with claim 31.

Kageyama discloses wherein the message is stored on the printing apparatus **(i.e. status of consumable articles are stored in the printer engine, col 11, lines 12-29).**

Regarding claim 87, in accordance with claim 31.

Kageyama does not disclose wherein the first field, the second field, the third field, and the variable-length field are received by the receiving unit in a single transmission from the printing apparatus.

Simpson teaches wherein the first field, the second field, the third field, and the variable-length field are received by the receiving unit in a single transmission from the printing apparatus **(referring to Fig. 22, multiple fields are displayed by the receiving unit in one transmission, i.e. step S2306 of Fig. 19, col 9, line 54 to col 10, line 14).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kageyama to include wherein the first field, the second field, the third field, and the variable-length field are received by the receiving unit in a single transmission from the printing apparatus as taught by Simpson. The motivation for doing so would have been to increase the versatility of the communication apparatus for ensuring print job process, and further the services provided could easily be established for one another with predictable results.

Regarding claim 89, in accordance with claim 31.

Kageyama does not disclose wherein the at least one event is the occurrence of an error regarding a consumable of the printing apparatus.

Simpson teaches wherein the at least one event is the occurrence of an error regarding a consumable of the printing apparatus (**i.e. one of the event is to report paper jam, col 11, lines 13-16**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kageyama to include wherein the at least one event is the occurrence of an error regarding a consumable of the printing apparatus as taught by Simpson. The motivation for doing so would have been to increase the versatility of the communication apparatus for providing print job assurance, and further the services provided could easily be established for one another with predictable results.

Regarding claim 90, in accordance with claim 31.

Kageyama does not disclose wherein the message is an instruction displayed to a user, the instruction relating to the at least one event.

Simpson teaches wherein the message is an instruction displayed to a user, the instruction relating to the at least one event (**i.e. a messages such as number of pages printed, paper jam or no problem are displayed, col 11, lines 6-16**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kageyama to include wherein the message is an instruction displayed to a user, the instruction relating to the at least one event as taught by Simpson. The motivation for doing so would have been to increase the versatility of the communication apparatus for providing print job assurance, and further the services provided could easily be established for one another with predictable results.

Regarding claim 85.

Claim 85 is directed to a method claim which substantially corresponds to operation of the apparatus in claim 31, with method steps directly corresponding to the function of apparatus elements in claim 31. Thus, claim 85 is rejected as set forth above for claim 31.

4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama (US 6,333,790) in view of Simpson et al (US 6,453,129) as applied to Claim 31 above, and further in view of Adams et al (US 5,778,226).

Regarding claim 33 in accordance with claim 31.

Kageyama' 790 does not explicitly disclose wherein the display unit displays the message based on the field indicating the type of events and the field indicating the type of character codes which are included in the response information.

Adams' 226 discloses wherein the display unit displays the message based on the field indicating the type of events and the field indicating the type of character codes which are included in the response information (**Adams' 226 discloses byte fields for device control, e.g. information identifying device and device status in col 10, lines 41-50, and col 12, lines 16-20, and displays on computer screen that "OAD Device Driver Initialization", col 20, lines 28-33).**

Having a communication apparatus of Kageyama' 790 reference and then given the well-established teaching of Adams' 226 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

combination of Kageyama' 790 and Simpson references to include wherein the display unit displays the message based on the field indicating the type of events and the field indicating the type of character codes which are included in the response information as taught by Adams' 226 reference since doing so would be more effectively to enhance the versatility of the communication apparatus of Kageyama' 790 for controlling and managing of network printers and further the services provided could easily be established for one another with predictable results.

5. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama (US 6,333,790) in view of Simpson et al (US 6,453,129) as applied to Claim 31 above, and further in view of Herkert (US 4,242,752).

Regarding claim 88, in accordance with claim 31.

Kageyama does not disclose wherein the first field is coded information and the message is decoded information.

Herkert teaches wherein the first field is coded information and the message is decoded information (**i.e. information of message bit pattern is coded and message information, i.e. check bit, message bit are decoded**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the combination of Kageyama and Simpson to include wherein the first field is coded information and the message is decoded information as taught by Herkert. The motivation for doing so would have been to increase the versatility of the communication apparatus for providing print job

assurance, and further the services provided could easily be established for one another with predictable results.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on Monday to Friday, from 8:30 am -5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Steven Kau/
Examiner, Art Unit 2625
June 12, 2009

/David K Moore/
Supervisory Patent Examiner, Art
Unit 2625